

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GREGORY MARCH,

Plaintiff,

ORDER

- against -

CV 2004-3905 (ERK)(MDG)

PEERLESS IMPORTERS, INC.,

Defendant.

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Plaintiff's counsel, Barbara Matthews, Esq., having moved to withdraw as counsel for plaintiff Gregory March and having served a copy of her motion papers upon the plaintiff; this motion having been heard on September 28, 2005 and the plaintiff having neither appeared nor otherwise opposed the motion;

Now, after consideration of the motion and prior proceedings herein, the Court finds that the potential conflict of interest between counsel and client constitutes "satisfactory reasons" for withdrawal, as required by Local Rule 1.4. Therefore, it is hereby

ORDERED that the motion of Barbara Matthews to withdraw as counsel for plaintiff is granted, but subject to compliance with all the conditions of this Order; and it is further

ORDERED, that withdrawing counsel, who has advised the Court that she asserts no retaining lien against the client files, must promptly transmit said files to new counsel appearing for plaintiff, upon request by plaintiff or within thirty days from

the date of this order, whichever is earlier; and it further

ORDERED that withdrawing counsel must serve plaintiff with a copy of this Order, together with a notice advising the former client, the address and telephone number of the Court all counsel for the other party or parties in this action and file proof of service of said notice with this Court; and it is further

ORDERED that all discovery in this action is stayed for 60 days to give plaintiff an opportunity to obtain new counsel; and it is further

ORDERED that plaintiff is advised that he is expected thereafter to comply with the outstanding document requests served by the defendant; and it is further

ORDERED that until such time as new counsel for plaintiff enters a notice of appearance, service of papers by mail upon him at the address below, shall be deemed sufficient service, and it is further

ORDERED that a status conference will be held in the above-captioned case on November 29, 2005 at 11:00 a.m. before Marilyn D. Go, United States Magistrate Judge, in Room 373 at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York. No request for adjournment will be considered unless made at least seventy-two (72) hours before the scheduled conference.

Plaintiff is advised that he is required to appear, in person or through counsel, at the next conference. If he is unable to obtain new counsel, he will be expected to proceed in

this action by herself. Plaintiff is warned that failure to appear at a conference or to comply with discovery requests could result in sanctions, including a fine. Continued failure to comply could ultimately result in dismissal of this action.

SO ORDERED.

Dated: Brooklyn, New York
September 28, 2005

/s/
MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE